IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.354/2003

1.Mr. Shane Dias Sapeco,
son of Shri N.D. Sapeco,
Student, major of age,
residing at House No.E/60,
Segundo Bairro, Santa Cruz,
Ilhas, Goa.

2. Mr. Constance Fernandes,
son of Gamelin Fernandes,
student, major of age,
Residing at Arao, Pomburpa,
Bardez, Goa.

3. Mr. Richard Soares,
son of Mario Soares,
student, major of age,
residing at Elite Buiding,
Rua 31 de Janeiro,
Panaji, Goa. ..... Petitioners.

V/s.

1. State of Goa,
through its Chief Secretary,
having Office at Secretariat,
Panaji, Goa.

2. Director of Transport,
Government of Goa,
Junta House, Panaji, Goa. ..... Respondents.

Petitioner No.1 in person.

Mr. A.N.S. Nadkarni, Advocate General with Mr. S.R. Rivonkar, Addl. Govt. Advocate for the respondents.

CORAM : N.N. MHATRE &
P.V. HARDAS, JJ.

DATE : FEBRUARY 04, 2004.

ORAL JUDGMENT : (Per MHATRE, J.)

This is a petition filed as a Public Interest Litigation by the petitioners. The first petitioner, who is present in the Court, is a Law Student. The petition was filed challenging the insertion of Rule 273A of the Goa Motor Vehicles Rules, which made a provision that the provisions of Section 129 of the Motor Vehicles Act, 1988 shall not apply to the persons driving or riding motorcycles having an engine with capacity of 150 cc or less and at speed of 40 km/ph. or less. This Rule framed under the Motor Vehicles Rules has been omitted by Notification No.6/6/99-TPT/2301 dated 22.12.2003. In view of the omission of this Rule, nothing survives in the petition. The petition is, accordingly, disposed of. Rule discharged.

NISHITA MHATRE, J.

P.V. HARDAS, J.

ssm.